

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

**No. CV 16-0423 RB/LAM
CR 13-2725 RB**

JOHN ERIC SAPIEN, JR.,

Defendant/Movant.

**ORDER TO FILE AMENDED PETITION, FILE ANSWER, AND
SUBMIT PRESENTENCE REPORT**

THIS MATTER is before the Court *sua sponte*. On July 27, 2016, Defendant/Movant (“Defendant”) filed an unopposed motion to amend his § 2255 Motion to add a corrected argument regarding one of Defendant’s prior convictions, and he attached a copy of his proposed amended § 2255 Motion as an exhibit to the motion to amend. [*Doc. 11*]. The Court granted this motion on July 27, 2016 (*see Doc. 12*), but Defendant has not filed his Amended § 2255 Motion as a separate document in this case. The Court, therefore, will order Defendant to file his Amended § 2255 Motion as a separate document, and will order the Government to file an answer to the amended motion.

In addition, the Court notes that in Defendant’s § 2255 Motion and in response to the Government’s motion to stay, Defendant relies, in part, on his Presentence Report. *See, e.g.*, [*Doc. 1* at 2-3] and [*Doc. 8* at 3]. However, neither party has filed Defendant’s Presentence

Report in this case, nor have they otherwise submitted it to the undersigned for review. The Court, therefore, will also order Defendant to submit the Presentence Report to the Court.

IT IS THEREFORE ORDERED that, **no later than November 17, 2016**, Defendant shall file his Amended § 2255 Motion as a separate document in this case.

IT IS FURTHER ORDERED that, **no later than November 28, 2016**, the Government shall file an answer to the Amended § 2255 Motion.

IT IS FURTHER ORDERED that, **no later than November 28, 2016**, Defendant shall either file the Presentence Report under seal or e-mail it to Improposedtext@nmcourt.fed.us.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE